

## **MINUTES OF REGULAR MEETING HELD MARCH 12, 2019**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, March 12, 2019 at 8:00 p.m.

Mayor Brindle made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting, as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 13, 2018. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, and THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

**PRESENT:** Mayor Brindle, Council Members Habgood, Dardia, \*Neylan LoGrippo, Contract, Stokes, Mackey

**ABSENT:** Councilman Arena

Councilwoman Neylan departed the meeting at 10:05 PM

### **INVOCATION AND FLAG SALUTE**

Invocation was given by Councilwoman Neylan followed by the flag salute.

### **PRESENTATIONS**

Mayor Brindle presented the following proclamation:

*Town of Westfield*

*Westfield, New Jersey*

*Proclamation*

*Westfield Volunteer Rescue Squad*

**WHEREAS**, each year residents and visitors to our community may require emergency medical care and transportation; and

**WHEREAS**, the Westfield Volunteer Rescue Squad is a wholly volunteer emergency medical service on duty 24 hours a day, 7 days a week; and

**WHEREAS**, the Westfield Volunteer Rescue Squad has provided no-fee emergency medical care and transportation to the residents and visitors of the Town of Westfield for the past 68 years; and

**WHEREAS**, the Westfield Volunteer Rescue Squad depends entirely upon donations to fund its operations; and

**WHEREAS**, the members of the Westfield Volunteer Rescue Squad are certified volunteer emergency medical technicians who generously donate their time and their skills to provide for the physical well-being of the community and its residents; and

**WHEREAS**, during the year 2018, the members of the Westfield Volunteer Rescue Squad volunteered over 30,000 hours of service and answered 2,136 calls, giving selflessly of themselves for the well-being of others; and

**WHEREAS**, the Town of Westfield benefits each and every day from the knowledge, skills and efforts of the members of the Westfield Volunteer Rescue Squad;

**NOW, THEREFORE, BE IT PROCLAIMED** that I, Mayor Michelle W. Brindle, on behalf of the Town Council and a grateful community, do hereby express gratitude to the Westfield Volunteer Rescue Squad and its dedicated volunteers.

**FURTHER**, I do hereby encourage the residents of the Town of Westfield to show their support for this vital service organization during the Rescue Squad's annual fundraising drive.

Mayor Brindle presented the following proclamation:

## *Town of Westfield*

*Westfield, New Jersey*

### *~ PROCLAMATION ~*

## **St. Paul's Episcopal Church** *125th Anniversary*

**WHEREAS**, on March 14, 1894 a group of Episcopal congregants met to organize a new parish, St. Paul's Episcopal Church, after the dissolution of two earlier congregations; and

**WHEREAS**, the Bishop gave consent and the new parish was incorporated the following year; and

**WHEREAS**, in 1897, the parish was able to buy the church building at the corner of East Broad Street and Saint Paul Street, which had been built in 1873 by Grace Church, one of the earlier congregations; and

**WHEREAS**, the current building was constructed in 1952 and in 1960, to meet growing needs and services, new buildings and facilities were added, including a chapel and more classrooms; and

**WHEREAS**, in addition to its worship and fellowship services, music, outreach, and education have been an integral part of the history of St. Paul's Church; and

**WHEREAS**, St. Paul's has grown to one of the largest Episcopalian parishes in the Diocese of New Jersey with more than 1,300 members;

**NOW, THEREFORE, BE IT PROCLAIMED** that I, Mayor Michelle W. Brindle, hereby congratulates the congregants, staff, and clergy on the occasion of the 125<sup>th</sup> anniversary of St. Paul's Episcopal Church and thank them for their service and fellowship to the Westfield community.

Mayor Brindle presented the following proclamation:

## *Town of Westfield*

*Westfield, New Jersey*

### *PROCLAMATION*

## **American Red Cross Month March 2019**

**WHEREAS**, more than 137 years ago, the American Red Cross was established as a humanitarian organization to provide services to those in need, guided by the fundamental principles of humanity, impartiality, neutrality, independence, voluntary service, unity, and universality; and

**WHEREAS**, every year, the American Red Cross responds to an average of more than 62,000 disasters across the country, from small home fires to devastating massive disasters; and

**WHEREAS**, the American Red Cross shelters, feeds, and provides emotional support to victims of disasters; supplies 40% of the nation's blood supply; teaches life-saving skills; provides international humanitarian aid; and supports military members and their families; and

**WHEREAS**, the Red Cross New Jersey Region assisted with 902 local disasters in the past year alone and helped save lives through its Home Fire Campaign, a campaign to reduce death and injury from home fires by working with community groups to install thousands of smoke alarms; and

**WHEREAS**, the American Red Cross relies on donations of time, money and blood to fulfill its humanitarian mission; and

**WHEREAS**, traditionally, the month of March is a special time to recognize and thank the Red Cross volunteers and donors who give their time and resources to help others in their time of need; and

**WHEREAS**, the Town of Westfield recognizes and appreciates the noble mission of the American Red Cross;

**NOW, THEREFORE, BE IT PROCLAIMED** that I, Mayor Michelle W. Brindle, on behalf of a grateful community, hereby designate March as ***American Red Cross Month*** in the Town of Westfield, and I respectfully encourage all Americans to support this organization and its mission to prevent and alleviate human suffering in the face of emergencies.

#### Green Team Update

Councilman Contract introduced Kirti Malik of the Westfield Green Team to provide an update of upcoming Earth Day events.

Ms. Malik stated that the Green Team was “revitalized” under Mayor Brindle’s leadership and thanked Mayor Brindle and the Town Council for their support, and for recognizing the importance of incorporating environmental input and activity in Town government.

Announced that Earth Day falls on April 22, 2019 and explained that rather than hold events on one (1) day, the Green Team has coordinated events to celebrate Earth Day for an entire month, with a main event on May 4, 2019. Announced that Earth Day posters are being created by middle school students for display in Downtown windows, and provided an overview of the schedule of events, including a lecture on April 4, 2019 by Christine Dimmick on detoxing your home, a showing of the 2012 version of “The Lorax” at the Rialto for \$5.00, with free drinks for those with reusable mugs, and a showing of an award winning documentary drama, “Bag It”, on April 18, 2019, which focuses on learning how to reduce dependence on plastic bags. In addition, a park cleanup would be held on April 28, 2019 and would include three (3) parks. Feels the park cleanup is a great project for girl scouts, boy scouts and teens, and encouraged all to volunteer. The final event would be held on May 4, 2019 and would be divided into three parts, including a Free Market, a Green Vendor Fair and an Earth Day celebration, and provided details of each. Explained that the Free Market involves the collection of unwanted items that residents can drop off and trade for other items. Any unclaimed items at the end of the market would be collected by “Green Drop”. Discussed the need for volunteers and explained that if the Free Market is successful, the Green Team would hold the event annually. Provided an overview of the Green Vendor Fair and the number of vendors scheduled to participate to date, including energy companies, a local CSA, and local businesses. Lastly, listed the activities to be held as part of the Earth Day celebration, including kid’s crafts, tree sapling giveaways, reusable bag giveaways, metal straw giveaways, an activist table, a recycling wheel game, and coupon giveaways for use at local stores. Encouraged all to participate and provided contact information for those interested.

Councilman Contract commended Ms. Malik and the entire Green Team for their efforts and encouraged all to attend Earth Day events.

Town Administrator's Reports

- Announced that Union County certified all assessments today and postcards were mailed to property owners. Explained that those wishing to appeal new assessments would have until May 1, 2019 to file an appeal. After the appeal process ends, tax bills would be issued in August, 2019. Stated that since the revaluation process is nearing completion, the Town would post information as to tax increases/decreases and other related information on its website. Also mentioned that approximately eighty (80%) percent of homes were inspected, with access being refused by approximately two (2%) percent of property owners.

Mayor's Remarks

- Announced that last Tuesday, New Jersey Transit hosted a listening tour with Executive Director Kevin Corbett and Department of Transportation Commissioner Diane Gutierrez-Scaccetti. Stated that, in spite of it being inconveniently scheduled at 5:00 PM when commuters were still at work, over one hundred (100) residents attended to voice their frustration with deteriorating service, communication, and the lack of a firm commitment as to when the off peak one-seat ride would be restored;
- Provided an update of the Raritan Valley Line Mayors Alliance and stated that she cohosted a meeting in Bound Brook on March 7, 2019. Stated that there was an outstanding turnout of mayors from Union to High Bridge, as well as key legislators along the line. Informed residents that this is a group that is angry, energized and committed to advocating for the Raritan Valley Line and forgotten commuters. In addition, representatives from the Regional Planning Association were in attendance to present their recent report on the potential economic devastation to the region if a tunnel goes out of service, underscoring the urgency of building the Gateway Tunnel. Explained that the Mayors' Alliance is focused on three (3) immediate objectives: restoration of off-peak service, same platform transfers, and a commitment to a fair allocation of dual locomotive trains that would enable peak one-seat ride service for the Raritan Valley Line. Urged the public to demand action by contacting their legislators and to visit [rvlmayors.org/take-action](http://rvlmayors.org/take-action), where there is information on who to contact, as well as a script on what to say. Also informed residents to "be on the lookout" for additional ways to become involved. Feels persistent public pressure is critical to making progress;
- Announced that the Town continues to explore transit alternatives to solve parking problems, particularly for commuters. Stated that, at her invitation, Lyft recently sponsored lunch for all of the Business Administrators in Union County to discuss a county-wide Lyft partnership. Explained that if each Union County municipality partnered with Lyft to alleviate parking and traffic issues, the volume of demand would enable Lyft to financially incentivize drivers to be readily available at all times in Union County. In addition, the Town is also looking to participate in a trial for crowd sourced commuter vans and stated there would be more information to come;
- Announced that Theresa's in Downtown Westfield closed its doors after twenty-five (25) years. Explained that she spoke to the owner who expressed his gratitude for the Town's support, but it was personal circumstances that forced him to close. Stated that while she realizes that these retail and restaurant closings could be unnerving, she continues to remain focused on the many new openings that are coming soon. Welcomed JAG-One Physical Therapy and Downtown Dental, both of which recently opened and joined other downtown medical providers such as Atlantic Health, Oceans Orthodontics and Excel

Orthopedic Physical Therapy. Feels this is important to note as the Town continues to seek greater diversification to bring daily foot traffic to the downtown. In addition, stated that she continues to meet with property owners, developers, and commercial brokers to evangelize for Westfield and encourage businesses to open here. Informed residents that today she met with the largest retail broker in New Jersey to share details of the Town's Master Plan process and to provide them with all of the reasons why now would be a good time for a retailer to open and invest in Westfield. In addition, the DWC Promotions Committee has been planning many events over the next several months to draw people to Downtown Westfield. Announced that Jazz Night would be returning with some new genres of music, and includes plans for jazz on two corners, alternating genres every week on another, and a new Local Spotlight which would feature local talent. Second Sundays on Quimby would also be back, along with some new events. Explained that all of these events require numerous volunteers and encouraged residents to "lend a hand" when a request for volunteers goes out this week. Feels there is no doubt that the downtown is in a transition period, but she is confident that it will emerge as a stronger, more vibrant downtown that will reflect the live/work/play needs and desires of a new generation of residents;

- Encouraged all to participate in the Master Plan process and announced that the first of four (4) public meetings would be held next Thursday, March 21, 2019 at Edison School at 7:00 PM. Urged everyone to attend, provide feedback, share ideas, and to take the survey;
- Announced that there is also a Parks Plan survey that many residents have already taken, and that there would be a joint public meeting for both the Master Plan and Parks Plan on April 3, 2019 in the Community Room, and at Edison School on April 24, 2019. Explained that the Parks Plan is all encompassing and also includes an assessment of recreation programs and Memorial Pool;
- Discussed improvements to Memorial Pool, which would be coming this summer and would include one hundred and sixty (160) new lounge chairs, free Wi-Fi, a new food vendor with an expanded concession menu, and an increase in the guest fee as a means to mitigate overcrowding. In addition, a new user friendly online registration process opens tomorrow, and all online payment fees have been eliminated;
- Announced that the Town was awarded two (2) grants with respect to pedestrian safety which support the Town's "Year of the Pedestrian" initiative. The first is a technical assistance grant for a walkability study along the North Avenue corridor between Elm Street and South Euclid which was mentioned at the last meeting. Explained that this would include recommendations to make this a more pedestrian friendly corridor that could then be replicated in other areas of Town. The second is a grant received from the New Jersey Department of Transportation's Office of Bicycle and Pedestrian Programs for a review of pedestrian enhancements. The original scope of the grant was focused on the Central Avenue corridor, but in the initial meeting with representatives from the New Jersey Department of Transportation, they indicated their willingness to potentially expand the scope of the grant to cover the entire Town at no extra cost;
- Announced that she has had several notable meetings lately which included hosting breakfast for the Chamber of Commerce, a meeting with Garwood Mayor Sara Todisco to discuss the potential sharing of court services, a meeting with Cranford Mayor Patrick Giblin to discuss traffic and development, and most recently a meeting with Union County Freeholder Angel Estrada to discuss the Union County budget and tax levy. To that end, Union County recently announced that its tax levy would be less than two (2%)

percent, the lowest in decades, which is good news for Westfield. Union County has also imposed a hiring freeze on non-essential employees, and has closed its juvenile detention center leading to significant savings. Feels this is a good start, and assured residents that she would continue to put pressure on Union County to be as fiscally prudent with its tax dollars as the Town is with its tax dollars;

- Informed residents that the Town would be hosting the public presentation of its budget at the next Town Council meeting on March 26, 2019, with final adoption scheduled for April 23, 2019. Stated that the Town has put together a budget that she is excited to share, which reflects the public's priorities based upon input received to date. Encouraged everyone to attend the meeting on March 26, 2019 to become educated and ask questions about the Town's budget;
- Lastly, feels some residents might be here tonight to raise concerns about the 69kV project that PSE&G has proposed in order to upgrade its electrical grid to improve reliability, which is a continuation of a project that has been implemented in sixty (60) other municipalities. Announced that PSE&G is aware of the Town's significant concerns of having these power lines run through residential neighborhoods, its potential impact on safety, as well as its potential impact on tree canopy. Stated that she directly requested that PSE&G look into finding potential alternative routes with far less residential impact, and announced that the Town would be scheduling a public meeting with PSE&G once PSE&G has had time to consider every option. Stated that there would be more information to share. Also announced that she has requested, and obtained in writing, PSE&G's commitment to delay all related work until that information sharing process occurs. Stated that she understands that Assemblyman Bramnick hosted a meeting for residents last night which she and many others were not aware of, but assured all that the entire Town Council shares residents' concerns. In addition, announced that she contacted Senator Kean and received confirmation that he is prepared to leverage his PSE&G contacts to assist the Town. Stated that the Town is very grateful to have the support of its local legislators and she looks forward to receiving an updated proposal from PSE&G to share and discuss at a public meeting in an effort to determine an appropriate Town response and potential path forward.

## **APPOINTMENTS**

## **ADVERTISED HEARINGS**

### **GENERAL ORDINANCE NO. 2126**

“AN ORDINANCE AMENDING CHAPTER 4 OF THE TOWN CODE OF THE TOWN OF WESTFIELD AS IT RELATES TO THE HOURS FOR THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF PREMISES”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

**GENERAL ORDINANCE NO. 2128**

“AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD PERTAINING TO THE COMMERCIAL USE OF ROOFTOPS”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

**GENERAL ORDINANCE NO. 2129**

“AN ORDINANCE AMENDING ARTICLE 21 OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD AS IT RELATES TO PENALTIES FOR VIOLATIONS OF THE LAND USE ORDINANCE”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

**PENDING BUSINESS**

An ordinance entitled, GENERAL ORDINANCE NO. 2126 - “GENERAL ORDINANCE NO. 2126 AN ORDINANCE AMENDING CHAPTER 4 OF THE TOWN CODE OF THE TOWN OF WESTFIELD AS IT RELATES TO THE HOURS FOR THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF PREMISES” by Councilwoman Mackey, seconded by Councilman Stokes, was taken up, read and passed by the following vote of all present upon roll call as follows:

Councilwoman Neylan stated that she is opposed to the adoption of General Ordinance No. 2126 because she believes it includes additional amendments that were not originally presented to the Code Review and Town Property Committee. Feels the ordinance was not properly vetted and believes there could be unintended consequences. Explained that she does not feel comfortable voting to support its adoption because she does not believe all of the amendments included were properly communicated.

Councilwoman Mackey explained that additional discussion of General Ordinance No. 2126 was held on February 26, 2019, but Councilwoman Neylan was not present. Explained that the ordinance allows for the sale of alcohol beginning at 9:00 AM on Sunday, rather than 12:00 PM as per current regulations. In addition, at the time of review by the Code Review and Town Property Committee, it was believed that the Town’s current ordinance permitted the sale of alcohol for on-premises consumption at 9:00 AM on Sundays, but it was determined that the language in the ordinance was ambiguous with respect to these hours, so the ordinance included an additional amendment to clarify this language. Suggested the Town Attorney provide additional comment as to the amendments authorized by General Ordinance No. 2126.

The Town Attorney explained that regulations are being amended to allow for the sale of packaged goods from 12:00 PM to 9:00 AM on Sunday in order to be consistent with the



regulations of neighboring municipalities. In addition, it was felt that some of the language in the Town's original ordinance was confusing and amendments were included to clarify that language. Lastly, an additional amendment became necessary because General Ordinance 2126 allowed for the sale of packaged goods after 10:00 PM, which is prohibited by state law.

Councilwoman Neylan requested clarification as to all of the amendments included in General Ordinance No. 2126.

Councilwoman Mackey explained that the original intent of the ordinance was to change the hours for sale of alcohol on Sunday from 12:00 PM to 9:00 AM. Stated that there were other ancillary amendments needed, but the original intent of the amendment that was discussed by the Code Review and Town Property Committee has not changed.

Councilman LoGrippe asked the Town Attorney to discuss provisions in the ordinance that allowed for the sale of alcohol on New Year's Day.

The Town Attorney explained that the Town's ordinance allowed for the sale of alcohol until 3:00 AM on New Year's Day with respect to packaged goods for consumption off-premises. Also explained that state regulations allow for extended hours on New Year's Day, and this provision in the Town's ordinance would not change with respect to the on-premise consumption of alcohol. Feels state regulations are confusing with respect to on-premise versus off-premise consumption, and there are also distinctions concerning the sale of beer and wine versus hard liquor. The intention is to simplify the Town's ordinance while complying with state regulations.

Councilwoman Neylan feels there is a great deal to consider and believes a report explaining the liquor laws in Town should have been provided. Stated that she would not be supporting the adoption of General Ordinance No. 2126.

Yeas: Habgood

Nays: Neylan

Absent: Arena

Dardia

LoGrippe

Contract

Stokes

Mackey

Mayor Brindle

An ordinance entitled, GENERAL ORDINANCE NO. 2128 - "GENERAL ORDINANCE NO. 2128 - AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE LAND USE ORDINANCE OF THE TOWN OF WESTIFLED PERTAINING TO THE COMMERCIAL USE OF ROOFTOPS" by Councilwoman Mackey, seconded by Councilman Dardia, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood

Nays:

Absent:

Dardia

Neylan  
LoGrippto  
Contract  
Stokes  
Mackey  
Mayor Brindle

An ordinance entitled, GENERAL ORDINANCE NO. 2129 - “GENERAL ORDINANCE NO. 2129 - AN ORDINANCE AMENDING ARTICLE 21 OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD AS IT RELATES TO PENALTIES FOR VIOLATIONS OF THE LAND USE ORDINANCE” by Councilwoman Mackey, seconded by Councilwoman Habgood, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent:
Dardia		
Neylan		
LoGrippto		
Contract		
Stokes		
Mackey		
Mayor Brindle		

### **BIDS**

### **MINUTES**

On a motion by Councilman LoGrippto and seconded by Councilman Contract, Council approved the Minutes of the Town Council Conference Session and Regular Meeting and Executive held February 26, 2019 with Councilwoman Neylan abstaining.

### **PETITIONS AND COMMUNICATIONS**

### **OPEN DISCUSSION BY CITIZENS**

Mayor Brindle opened the public comments portion of the meeting and asked if there were any questions or comments.

The Town Attorney discussed the legal aspect of the project proposed by PSE&G and assured residents that the Town is ready to pursue all legal avenues to ensure that PSE&G acts in a reasonable manner. Explained that a substantial amount of research was conducted as to the Town's legal options in the event a satisfactory agreement with PSE&G could not be reached. Stated that he has consulted with several experts on this matter and has also spoken to PSE&G's legal counsel. Informed residents that because this matter could potentially be heard in a judicial forum, or by the Board of Public Utilities (BPU), the Mayor and Town Council should not publicly discuss the steps the Town might take if a satisfactory agreement with PSE&G is not reached. However, the Town would ensure that PSE&G is required to comply with all of the Town's local general and zoning ordinances, that PSE&G demonstrates that it has acquired all required consents, including easements along the originally proposed route, that PSE&G has explored all reasonable and viable alternative routes, that the expansion is required for public necessity and convenience, that PSE&G complies with the National Electric Safety Code, which is required on a national basis, and that PSE&G can demonstrate the health and safety of the increased voltage across the transmission lines, if there is an increased voltage. Explained that although the state's legislative scheme grants a substantial amount of authority to utilities, it is not without limitation. Believes there is a unified front by the Mayor and Town Council in this regard, and through discussions with PSE&G, the Town would ensure that PSE&G has explored all reasonable alternatives to what has been proposed, that PSE&G acts as good citizens, even if the Town cannot "tie their hands" as much as it might want, and that PSE&G does not attempt to "steamroll" through the community. Reiterated his previous comment concerning this matter potentially coming before a judicial or administrative forum and asked that residents "forgive" the Mayor and Town Council if they are not as candid as residents might like them to be concerning this issue.

James Foerst, 262 Scotch Plains Avenue, thanked the Mayor and Town Council for their service. Referred to the update by the Green Team and the preservation of trees and asked the Town Council to "take up his cause". Explained that he ultimately learned of PSE&G's project from a conversation his neighbor had with a PSE&G representative. Discussed the proposed project, stating that it involves the installation of a 69,000-volt transmission line in his neighborhood, and as a result of the need for the project, fifty-four (54) trees would be removed and forty-five (45) trees would be trimmed. The PSE&G representative also indicated that additional trees could be removed because some might not survive after trimming. In addition, Mr. Foerst discussed his concern with indications that PSE&G would not need to increase the right-of-way in front of his property or in front of his neighbor's property as a result of this project. Informed the Town Council that upon his son hearing the conversation between his neighbor and the PSE&G representative, his son posted a sign asking that PSE&G not "take his tree", and stated that many other children have followed suit by posting signs on trees in front of their homes. Stated that he disagrees with statements by PSE&G that there is little the Town can do. Referred to the Town Attorney's comments and stated that it did not include a commitment by the Town that it would be against this project in all regards. Asked the Mayor and Town Council to commit to working with other Mayors in the region to stop PSE&G from "ruining" his neighborhood. Feels this is not a transmission outlet for PSE&G, but is a private entity wishing to take shady, tree lined streets and turn them into a transmission avenue to benefit other communities, with no benefit to Westfield. Discussed his neighbors who are also in attendance and informed the Town Council that they are all very concerned with the proposed project. Stated that he contacted Councilmembers Stokes and LoGripipo, and explained that he understands that the Town Council does not control the actions of PSE&G. He also contacted Assemblyman Bramnick, and

discussed a neighborhood meeting that was held last evening which he attended with Assemblyman Bramnick. Informed the Mayor and Town Council that during that neighborhood meeting, Assemblyman Bramnick committed to doing everything within his power to stop the PSE&G project. Also explained that Assemblyman Bramnick was unable to attend the Town Council meeting this evening, but forwarded an email message that he requested Mr. Foerst read in full. The email message indicated that, upon learning of the project, Assemblyman Bramnick contacted PSE&G and requested that PSE&G stop any further work until concerned residents had a full opportunity to be heard. The email message also indicated that he was pleased that PSE&G agreed to his request to stop work pending review by the Town and citizens, and that he looks forward to working with all to achieve a mutually acceptable resolution.

Mr. Foerst also read email correspondence from PSE&G representative Eileen Leahey that was attached to Assemblyman Bramnick's email message. Ms. Leahey's email message indicated that PSE&G was committed to working with the Town on this project, that PSE&G had been in close communication with Town officials, and that PSE&G would continue this communication. The email by Ms. Leahey also included thanks to Assemblyman Bramnick for making PSE&G aware of residents' concerns, that she looks forward to finalizing a date for a community workshop with residents, and that PSE&G was committed to delaying the project until the community workshop was conducted.

Mr. Foerst then referred to Assemblyman Bramnick's commitment to stop the PSE&G project and requested the same commitment from the Mayor and Town Council. Stated that while this project specifically impacts his neighborhood, feels it would impact all of Westfield because a precedent would be set. Feels it is time for the governing body to lead and to protect its citizens from PSE&G's attempt to permanently change the character of neighborhoods. Also feels PSE&G's proposal to remove trees contradicts with the Green Team's initiatives. Asked all residents opposed to PSE&G's project to stand, and then asked the Mayor and Town Council to stand with residents in opposition to this project. Feels anything less by the Mayor and Town Council is a dereliction of their duties.

Lila Sen, 626 Tremont Avenue, read a letter she recently wrote to Mayor Brindle asking that the ice rink at Gumbert Park be open again next year. Stated that she is a fifth-grade student at Washington Elementary School and discussed the programs offered by the ice rink to middle school girls interested in learning to skate and play hockey. Stated that she could not attend the lesson because she is not in middle school, but some of her friends attended and are now better skaters and able to join open hockey with the boys. Stated that other rinks offer hockey programs, but the lesson offered by the rink at Gumbert Park was for fun, which is what interests her. Explained that if the rink does not open next year, she would not have the opportunity to attend the lesson offered to middle school students. Stated that she hopes her letter to Mayor Brindle helps to keep the rink open.

Maeve Ryan, 549 Fairmont Avenue, read a letter that she wrote in support of the ice rink at Gumbert Park. Stated that she is a second-grade student at Washington Elementary School and the only girl on her hockey team. Thanked the Town for opening the rink and stated that everyone at her school loves the rink. Also stated that she enjoys skating with the high school girl's hockey team and the professional girl skaters. Feels the rink "lifted up a lot of girls" and she hopes it comes back next year.

Ava Redman, 550 Fairmont Avenue, and Emmy Wotanowski, 555 Hillcrest Avenue, read a joint letter in support of the ice rink at Gumbert Park. Stated that they enjoyed having the rink close to their home because they were able to walk to free skate. In addition, they were able to meet with their friends at the rink on Friday nights allowing them to reconnect in a nearby, safe environment. Also stated that the rink provided an opportunity to “get off their phones” and have a face-to-face conversation, and allowed them some independence as they were able to walk on their own to the rink. In addition, explained that they found a passion for the game of hockey because the rink gave them an opportunity to learn how to skate and play, and they have decided to dedicate their free time to playing hockey. Stated that they hope the rink would be open again next year.

Whitney Reiss, freshman student at Westfield High School and member of the girl’s hockey team, spoke in support of the rink at Gumbert Park. Feels the ice rink allowed the girl’s hockey team to grow because there would not have been enough ice time otherwise. Stated that for the first time, the high school was able to establish a junior varsity girl’s hockey team, stating that this is the most ice time the girls have had. Feels the ice rink benefits the entire Town, not just hockey players, because the entire Town can attend open skate and other events. Feels the ice rink was a great addition to the community, and stated that, on behalf of all of the hockey players in Westfield, she hopes the rink would be open again next year.

David Krieger, 728 Shackamaxon Drive, stated that he and his wife moved to Westfield from Summit in 2017. Expressed concern with the proposed high voltage utility poles and wires that would be installed in front of his home, explaining that this was type of issue he sought to avoid when searching for a home. Also expressed concern with the health, environmental and safety risks associated with the project and discussed research he conducted in which he learned of studies indicating an association of exposure to electromagnetic fields (EMF’s) to an increased likelihood of contracting childhood leukemia and brain cancer. Explained that he also learned of health and environmental impacts associated with a chemical preservative within these utility poles, pentachlorophenol, and listed the health problems associated with this chemical as per the Environmental Protection Agency. Feels that while there are cynics to scientific studies, he does not feel anyone should be forced to expose their family to potential health risks. Also expressed concern with the impact of this project to property values, the aesthetics of the neighborhoods, and the impact to the tree canopy line, stating that the Westfield Track Team typically runs down his street because of the shade that is provided. Explained that he felt the need for a “call to action” upon learning of the project and informed his neighbors of PSE&G’s plans. Stated that he conducted research on how other municipalities in this area have handled similar projects, and that he would share that information with elected officials. Also stated that he hopes the Mayor, Town Council, Town Administrator, Assemblyman Bramnick and other stakeholders would deliver a swift agreement with PSE&G to end this plan, or at a minimum, identify an alternative route or move it underground. Feels working with PSE&G could be the “path of least resistance” and would “rest all of our nerves”, but urged the Town Council to act on residents behalf and use any legal means necessary to stop this work from moving forward if PSE&G is unwilling to agree to a satisfactory resolution. Discussed legal research he conducted related to similar projects conducted by PSE&G in other municipalities. Explained that PSE&G began work in those municipalities with little or no notice, and by the time communities became organized to oppose the project, the work was either fully or substantially completed. Referenced a project in East Hampton, New York which also involved the installation of 69k voltage lines. Community advocates and the municipality brought action against PSE&G and the Long Island Power

Authority (LIPA). Explained that while the municipality prevailed before the trial court, PSE&G ultimately prevailed during its appeal of the decision, based upon the grounds that the issue was moot because the work had been completed. Also referenced other circumstances in which PSE&G informed a municipality, after a project was completed, that an alternative route could be considered, but the municipality would be responsible for both the cost of the alternative route and the cost for undoing all of the completed work. Feels this is why it is imperative that the Town not allow work to begin if negotiations with PSE&G are not successful. Thanked the Mayor, Town Council, Town Administrator and other State stakeholders for delaying PSE&G's initial attempt to start this project. Also mentioned that placing transmission lines underground is not cost prohibitive as some have stated, and referenced instances in which PSE&G and other utility providers have agreed to underground transmission lines in a number of municipalities in both New York and New Jersey. Discussed approval for the installation of a 3.2 mile underground transmission line in West Milford, New Jersey, which would be billed as a \$.69 per month surcharge per household. Feels underground transmission lines should be strongly considered as a viable alternative and hopes the Town would consider this concept if proposed. Requested that the Town approve resources for the use of the Town Attorney as well as resources for outside counsel with the requisite expertise if legal action becomes necessary. Feels Westfield is fortunate to have exceptional local and state officials with strong working relationships with PSE&G, as well as an impassioned citizenry that is willing to oppose this project, and believes this would be helpful in leading to a favorable outcome. Stated that he plans to be involved in this issue until it is resolved, and requested the unwavering support of the Mayor and Council in negotiating a tenable resolution with PSE&G, or taking all additional measures to support residents.

Dan Grinkevich, 408 Grove Street, spoke in opposition to the proposed PSE&G project. Stated that he is an electrical engineer and has worked in the power industry for thirteen (13) years. Expressed concern with safety and equipment maintenance, explaining that distribution substations are not regulated by the Federal North American Electric Reliability Corporation's standards. Further explained that these standards mandate certain maintenance and testing of electrical equipment, and inadequately maintained substations and protective equipment could operate or fail. If this were to occur when a substation transmission line is at fault, the line could remain energized and cause damage to property or endanger human life. Feels the Town should be mindful of potential detrimental effects and urged the Mayor and Town Council to take this issue seriously and prevent PSE&G from taking action until all options have been considered.

Drew Matus, 300 Scotch Plains Avenue, spoke in opposition to PSE&G's proposed project and questioned the proposed route. Expressed concern that a public utility would consider installing these lines through residential neighborhoods, next to a municipal pool and especially next to a school. Discussed the health risks associated with EMF's specific to the power lines proposed by PSE&G for this project, and stated that, based upon PSE&G's brochure which describes the EMF's generated by these power lines, the level generated would be at the point where leukemia cases have started, to three (3) times as much. Also stated that this is the level of dosage his daughter would receive because the pole would be located fifty (50) feet away from her bedroom. In addition, explained that these types of power lines are supposed to have large right-of-ways because they want to avoid trees falling on them, but also because of the danger they pose to people, children in particular. Discussed research he conducted on the project and discussed the map that was provided by PSE&G. Stated that it is basically a Google map indicating beginning and end points, but includes nothing that suggests that any planning was

done to avoid going through residential neighborhoods. Urged Town officials to not only examine how the route was determined, but to examine the qualifications of those who determined it. Explained that the reason studies have been unable to identify a conclusive link to health risks and these transmission lines is because they typically do not involve enough children with exposure to levels of EMF's that are this high. Feels Westfield is going to become a medical experiment to PSE&G if the project is allowed to move forward and urged the Mayor and Town Council to do everything in its power to stop the project.

Xinghua Hu, 215 Midwood Place, stated that although his home and neighborhood would not be directly impacted by the PSE&G project, he is opposed to it. Discussed Superstorm Sandy and the power outages experienced by many residents. Stated that a friend of a colleague was killed during the storm because he touched a puddle of water, unaware that a high voltage power line had fallen in the distance. Discussed the transmission lines proposed by PSE&G for this project and the fact that they would be located next to schools. Referenced his colleague's friend that was killed during Superstorm Sandy and expressed concern that a similar tragedy could involve the children attending these schools. Explained that it is for this reason he is opposed to the project and requested the full commitment of the Mayor and Town Council to do everything possible to stop the project for the safety of the Town's children and all of its residents.

Ariel Amster, 114 North Scotch Plains Avenue, stated that she moved from Manhattan to Westfield approximately two (2) years ago, and that Westfield was chosen because it "felt like home", despite the fact that her and her husband were not from New Jersey and did not have friends or family living in the area. Explained that during their search for a home, safety was the most important priority, and any proximity to high towers and power lines were "deal breakers". Feels that no house, no matter how perfect, would be worth the risk of exposing her family and future children to a harmful environment. Stated that since moving to Westfield, she has experienced personal issues, stating that both of her parents were diagnosed with different types of terminal cancer, and that both had recently passed away while in their mid-fifties. Explained that her parents lived in Florida and that it became necessary to relocate them to Westfield so that she could care for them with the help of her sister. Also stated that six (6) months ago, she gave birth to her first child at Overlook Hospital, which is the same hospital where both of her parents passed away. Stated that there is much uncertainty as to why some people get cancer while others do not, and although there are some known genetic risk factors, feels environmental factors are also the cause. Listed the names of the children, including her daughter's name, that live in the impacted neighborhoods, stating that she is here to protect them, as well as other impacted children, because she feels it is someone's responsibility to do so. Feels the project is unacceptable and must be stopped because of the risk to human life. Stated that she distributed personal letters to her neighbors notifying them of this evening's meeting because PSE&G was initially scheduled to attend, and that she plans to distribute notices to every impacted resident once the meeting with PSE&G is scheduled. Asked that all Town officials join her in searching for a better, safer alternative.

Ken Soriero, 808 Shackamaxxon Drive, stated that he did not plan on speaking this evening, but felt compelled to speak because he feels there has been a lack of response from the Mayor and Town Council. Stated that he understand the advice of counsel, but since this is not currently pending litigation, feels there is no reason why the Mayor could not show her support for the residents. Stated that he came to the meeting hoping to hear words such as energized, angry, commitment, advocate, and bipartisan from the Mayor, but only heard those words with respect

to the New Jersey Transit one-seat ride initiative. Feels those words should also be used in describing the Town's opposition to the PSE&G project. Believes having a power line traverse through residential neighborhoods and affecting the health of children is a "no brainer". Also stated that this is not a pole replacement project as described on the Town's website, but a transmission energy plan. Feels describing it as a pole replacement project could be the reason why it took people time to understand all that is involved with the project. Implored the Mayor and Councilmembers to stand with residents and unequivocally oppose PSE&G's plan.

Xinghua Hu, 215 Midwood Place, informed Mayor Brindle that the reason he voted for her is because she is the mother of his daughter's classmate, and he is hoping Mayor Brindle will "fight" for the residents and give him another reason to vote for her reelection.

Councilwoman Neylan stated that residents have her unequivocal support and explained that she was unaware of the details of the project and requested clarification as to when the project was first acknowledged.

Mayor Brindle stated that the Mayor and Town Council first learned of the project when it was presented to them by PSE&G at a recent meeting.

Councilman LoGrippo stated that it was his understanding that PSE&G first notified the Town and met with the Mayor in January.

Mayor Brindle stated that PSE&G was scheduled to present the project to the Town Council at a meeting in February, but the presentation was cancelled due to weather. Believes it was heard for the first time collectively by Councilmembers at the last meeting when details were presented by PSE&G. Also stated that she did not plan on speaking until all residents had an opportunity to speak. Referred to Mr. Soriero's comments and stated that she met with residents in her office today concerning this matter and feels they can attest to how committed she is to opposing this proposal. Explained that she tends not to become overly reactive unless necessary, stating that all indications from PSE&G to this point are that they "heard us loud and clear", and that they are "back to square one" in terms of this project. Referred to the Town Attorney's comments and assured residents that the Town is fully prepared to take necessary action if PSE&G is unwilling to change its current proposal. Feels this can be discussed further once all residents have had the opportunity to be heard.

A Westfield resident stated that she is speaking as a "mom" and informed the Mayor and Council that she received a notice about the project from PSE&G today at her home. Stated that she is very concerned with the proposed project and conducted some research. Discussed the current amount of voltage versus the proposed amount, stating that the new lines would be seven (7) times more powerful. Also discussed the change in the poles that has been proposed. Feels the project would create a danger to children and all residents if it moves forward. Stated that she has two (2) daughters that recently graduated from Westfield High School and that one was Captain of the Westfield Track Team. Referred to previous comments concerning the Westfield Track Team typically running down her street because of the shade provided, and expressed concern that this would change if the PSE&G project moves forward. Discussed a company that produced a non-stick pan many years ago, stating that there were no health concerns at the time, but years later, many were diagnosed with cancer. Feels the same risk exists with the high voltage poles that are proposed. Discussed the Town Attorney's attendance at the recent New



Jersey Transit meetings, which she also attended, and found it encouraging that the Town is willing to fight for issues that impact residents. Feels the Town has little power with respect to the issues involving New Jersey Transit, but feels it has the power to fight the PSE&G project. Asked the Town Council to consider the residents of these neighborhoods and the fact that children would be living and walking to and from school under these poles, and expressed concern for their safety. Feels the Town would have a lot of regret if the project moves forward.

Don Fishbein, 314 Scotch Plains Avenue, stated that he did not plan to speak tonight, and while he is not a parent, expressed concern for those who have children. Feels PSE&G will present evidence and studies indicating that there are no safety concerns. Asked Councilmembers if they would pay for a home located near these types of power lines. Discussed the revaluation and recent changes in tax laws that have either resulted or will result in increases to taxpayers, and feels the PSE&G project would have a significantly negative impact on property values. Feels the Town not only needs to be aggressive in opposing this project, but needs to be proactive, and suggested the Town issue a notice to PSE&G, prior to negotiations indicating that the project is not accepted and that legal action would be taken if necessary. Feels the Town should not wait for discussion with PSE&G. Also stated that he would like to be able to call 911 without consequence if PSE&G were to begin tree removal on his property without his permission. Stated that he would like an absolute, in advance notice of "Just Say No" to PSE&G.

James Pardes, 729 Shackamaxon Drive, stated that he also had not intended to speak, but was impressed by the other speakers and would like to share his thoughts. Stated that while he is happy to hear that residents have the support of Mayor and Council, he feels the next step needed is a plan. Commended those who conducted research and feels there is amazing talent and resources in this room. Asked how this talent could be harnessed so that everyone is fighting and working together with a unified plan. Feels it is fantastic to know there is a legal plan, but feels a legal plan is not the only option. Suggested the establishment of a task force and asked if this would be something that should be done. Overall, stated that support is one thing, but action is another, and he is interested to hear what action would be taken upon conclusion of tonight's meeting.

Mike Domogala, 961 Boulevard, stated that he has a three (3) year old and is expecting twins. Also stated that he would not give his daughter a cigarette, leave electrical outlets unprotected, or leave knives on the table, and he certainly would not have high tension wires anywhere near his house. Explained that as much as residents are seeking the Mayor and Town Council's support, feels in the long term, the elected official should also be seeking residents' support because residents elected them to their positions and everyone should be working together. Stated that he learned of this meeting about two (2) hours prior to its start, and agrees that other options should be sought. Referred to the Green Team update and feels this issue should be added to the Earth Day agenda.

Candice Norris, 323 Grove Street, discussed a recent article in the Westfield Patch which included a list that named Westfield as one of the best towns in New Jersey in which to live. Named some of the Towns included in the list and stated that Westfield was ranked number seven (7), ahead of Short Hills. Expressed concern with how Westfield would rank on this list if the PSE&G project moves forward. Feels all residents should be concerned with this project, not just those living along the proposed route, because she believes if Westfield's ranking goes down, that would affect businesses wanting to come to Westfield, and people might become

unwilling to maintain and invest in their properties. Stated that she only learned of this project this morning, and feels many residents are still unaware. Feels once the parents of the students attending the impacted schools become aware of the project, these meetings would be inundated with concerned residents. Feels everyone needs to be concerned with the Town's future if this project is allowed to move forward.

Sha Liu, 925 Brown Avenue, stated that in addition to Edison School and Westfield High School, Lincoln School would also be impacted by this project. Feels it was important to bring this to everyone's attention and hopes that every effort is made to avoid the impact to these schools, especially those with younger students.

Debbie Chaskin, First Street, referred to previous comments concerning other municipalities that have challenged PSE&G and feels the Town should benchmark those that were successful against PSE&G. In addition, referred to the Town Attorney's earlier comments and requested clarification as to how the Town plans to handle this issue.

The Town Attorney explained that there are several legal and non-legal options available to the Town, but he cannot discuss the legal options that could be taken. Assured residents that the Town would be willing to take all steps necessary to ensure that there is a plan that is acceptable to the community and to the Mayor and Council, but he does not want to comment beyond that because he does not want to disclose the Town's legal strategy to a potential opponent.

Ken Sommer, 713 Scotch Plains Avenue, stated that he also did not intend to speak this evening, but was impressed by others who spoke and was compelled to do the same. Expressed his appreciation to the Town Attorney and elected officials for their time. Discussed the level of communication concerning this issue and implored the Mayor and Town Council to ensure that the public is informed of the plans and strategies concerning this project, once they can be made available. Feels the level of communication needs to be paramount, and feels if residents are kept informed, they would be involved. Believes the Town Council is "on their side" and he looks forward to attending more meetings like this and to continued communication. Thanked all for their time and for listening to the concerns expressed.

Mayor Brindle informed residents of the email update capability the Town just implemented, explaining that if addresses are provided, specific notifications could be provided with respect to utility work. Encouraged all to register online for this capability and explained that this form of communication would be in addition to social media and the Town's website.

Ed Kevelson, 633 Shackamaxon Drive, stated that he just moved to this home from the north side of Town, and that he received a letter today from PSE&G, dated March 6, 2019, concerning the proposed project. Believes in theory that the work would have started tomorrow with notice that he received today. Requested clarification as to the process moving forward, specifically as it relates to the community meeting with PSE&G that is being planned, and what PSE&G would be presenting at that meeting. Also requested information as to the timeline concerning the community meeting.

Mayor Brindle explained that she is uncertain as to the timeline for the community meeting because PES&G is revisiting the project, and also stated that she does not believe a revised project would be presented for the first time during that meeting. Stated that she does not want to

understate the importance of the relationship the Town has with PSE&G and informed residents that PSE&G does not typically present upcoming projects at governing body meetings in most municipalities. Feels this was done because of the Town's relationship with PSE&G, particularly the Town Administrator. Assured residents that the Town has been extremely proactive concerning this project and PSE&G is fully aware of the Town's concerns and intention to take legal action, if necessary. The Town is providing PSE&G with an opportunity to present an alternative solution.

Mr. Kevelson requested additional information about the community meeting, specifically those that would be representing PSE&G at that meeting.

Mayor Brindle stated that PSE&G's executives, attorney, and experts were originally scheduled to attend the meeting this evening, and those same representatives are expected to attend the community meeting to present a plan and to hear directly from the public.

Mr. Kevelson discussed his expectation as to what PSE&G would present at the community meeting.

Mayor Brindle does not feel PSE&G would be presenting its original proposal at the community meeting.

Councilwoman Mackey discussed efforts taken by municipal officials as soon as the scope of the project was understood. Stated that she attended a meeting with PSE&G, the Town Administrator and the Public Information Officer last week, and that she represented the four (4) south side councilmembers. Explained that she informed PSE&G of the Town's expectations with respect to this matter, and also informed them that the Town was very unhappy with how PSE&G handled the communication of this project to the public. Stated that the letters residents received today were supposedly overnighted by PSE&G last week. Assured residents that the Town has been tirelessly advocating for residents. Extended her appreciation to all that attended this evening to express concerns, and assured all that the Town has been working on this with a "united front".

Councilman Contract feels it is important to underscore the Mayor's previous comments and urged all residents to like the Town's Facebook page as well as individual councilmembers' Facebook pages, and to register for the Town's email update capability. Stated that he maintains his own email list, and he emailed everyone on his list after PSE&G presented the project to the Town Council. Explained that he was not aware of the issue concerning EMF's, but did raise concerns with the removal and pruning of trees as part of the project. Stated that he had a tree on the side of his home that was trimmed by PSE&G which fell and nearly hit his house. Believes that pruning usually results in the tree dying. Between his concerns with the removal of trees and other concerns that the Town is now aware of, the Town has forwarded a full list of questions to PSE&G, including questions regarding safety and EMF's. Stated that he was also unaware of the chemical issue mentioned by Mr. Krieger and the Town would also follow up with PSE&G on that matter. Suggested that residents forward information they have gathered to the Town Council. Feels this would help the Town make its argument to PSE&G. Assured everyone that the Town Council wants answers too. Mentioned that he lives along the proposed route and shares everyone's concerns because he has children as well.

David Krieger, 728 Shackamaxon Drive, hopes that PSE&G will propose a far more tenable solution at the community meeting. Discussed a similar PSE&G project that occurred in the Village of Ridgewood which was challenged by Ridgewood. Stated that Ridgewood did not prevail in that case, but explained that the Board of Public Utilities (BPU), who would potentially be involved if the Westfield project is litigated, admonished PSE&G for starting the project without sufficient notice. Expressed concern that if PSE&G does not have a tenable solution by the time the community meeting is held, that it would just “provide lip service” to residents and then “check the box”. Explained that if PSE&G does not have a solution to present at the community meeting, that meeting would serve as part of the evidentiary record for the Town’s argument if this matter should go to litigation. Urged all residents to attend that meeting and to present any argument they have because every argument needs to be put forward at that meeting.

Mayor Brindle stated that while she agrees with Mr. Krieger, she feels the Town needs to take one step at a time. Believes there will be much more information between now and the time the community meeting is held, and a strategy can be developed at that time.

Suzanne Welsh, 638 Scotch Plains Avenue, stated that she is a new resident to Scotch Plains Avenue, but was a resident for fifteen (15) years on Dorian Road. Explained that her family is unhappy about PSE&G’s project and that she is here tonight with her neighbors to fight against it. Explained that many of the residents are wearing blue ribbons and she would like to provide a ribbon to Mayor Brindle as a sign of her unification with the residents.

Mayor Brindle thanked Ms. Welsh and also acknowledged receipt of an email from Ms. Welsh. Stated that she has been inundated with messages and has been able to respond to everyone at this point.

Councilwoman Habgood requested that a ribbon be provided to all councilmembers.

Sean Chisholm, 258 Scotch Plains Avenue, explained that he shares the same concerns and stated that he has a three (3) year old daughter and a five (5) year old son. Informed the Mayor and Town Council that he drove along the proposed route and feels the poles would be truly transformative for these neighborhoods. Stated that the size of the proposed poles is massive and compared them to the size of the poles used for netting at driving ranges. Feels this would have an impact on property values. Explained that he moved to Westfield from Hoboken and is a first time homebuyer, and believes it would be another first time homebuyer that purchases his property. Reiterated his concern with the impact to property values and asked that this be considered when reviewing alternative plans. Feels these lines would divide that part of Town and explained that photographs of these poles do not do them justice. Feels residents need to physically stand beneath them and look up in order to gain perspective on the impact of their size.

Councilman Contract asked if there are poles nearby that Mr. Chisholm has seen.

Mr. Chisholm explained that there are poles located along Terrill Avenue as you approach Plainfield, near the substation. Described the area as very industrial-like, with no trees and huge power lines. Feels it changes the entire charm and character of the neighborhood.

Mayor Brindle stated that this project was also completed in Union.

Mr. Chisholm provided specific directions to where these poles are located near Terrill Avenue. Feels if this project is truly a transmission corridor between substations, it should not be within residential areas because it completely ruins the aesthetics of the neighborhood.

Ken Sommer, 713 Scotch Plains Avenue, stated that he would like to follow up on his earlier comments. Feels it is unclear as to what the Town Council needs from residents with respect to the PSE&G project and referenced a suggestion to alert the media as an example.

Mayor Brindle and Councilman Contract stated that both the Westfield Leader and Tap into Westfield are in attendance, and typically attend all Town Council meetings.

Mr. Sommer feels the Town needs to “elevate its game”. Asked if the Town has a public relations strategy, and if so, asked if that strategy should be put into place prior to hearing PSE&G’s alternate plan in order to apply additional pressure on PSE&G. Also discussed the potential for organizing a protest and stated that he would be willing to organize it. Stated that he would empty his bank account and strap himself to a pole to fight this project because he is unwilling to accept an elevated cancer risk in order to allow a private company to take “the simple route”. Also stated that while he believes the Town Council is acting in good faith to help residents, he is concerned that their actions have been too reactive. Believes he and other residents would continue to feel this way until there is a better understanding of the Town’s plan to address this issue. Also feels PSE&G are bad actors and expressed concern with waiting to take action until the community meeting. Discussed the fact that residents began receiving notices today, with work scheduled to begin tomorrow. Also feels if PSE&G had attended this evening’s meeting, they were not interested in receiving any input from citizens. Feels the Town needs to assume the worst from PSE&G because they have demonstrated the worst and “step up its game”. Reiterated his request that the Town develop a plan to address this, not only from a legal standpoint, but from a public relations standpoint. Also discussed communication to residents, and while he learned through Facebook that PSE&G was originally scheduled to attend the meeting this evening, there was no additional information or details. Feels more residents would have attended the meeting this evening and would become involved if there were more details communicated to residents about the project.

The Town Attorney suggested that residents contact their legislators in Trenton because Trenton has provided utility companies with a lot of power over localities. Informed residents that there is a bill currently pending in Trenton entitled the “New Jersey Vegetative Management Response Act”, which would provide even more authority to utility companies. Explained that the bill passed a vote in the assembly with only one (1) opposed and five (5) abstentions. Stated that Assemblyman Bramnick voted in favor of this legislation, which would provide utility companies with more power to conduct projects within municipalities and ignore local desires. Explained that the bill is currently pending within the State Senate and has not yet been scheduled for a floor vote, so residents should consider contacting legislators and inform them that since New Jersey is a home rule state, municipalities should have more power to control what occurs in their community with respect to utilities.

Mayor Brindle also feels that Westfield is fortunate that its neighboring Mayor in Fanwood, Colleen Mahr, is the President of the New Jersey League of Municipalities and deals with

statewide municipal issues in her role as President. Explained that she contacted Mayor Mahr and explained Westfield's situation. Stated that conversations with Mayor Mahr would continue, but discussion as to the potential for gathering municipalities to work together on this matter was held.

Valeri Sewald, 802 Shadowlawn Drive, stated that it is ironic to be speaking on this matter this evening because the last time she was in Council Chambers was when she had applied for a variance for a treehouse. Explained that a variance was required because her house is on a corner and the treehouse would be located on Scotch Plains Avenue. Stated that variance was granted and her children would now be elevated closer to the proposed power lines. Discussed the Town's challenge of a cell tower some years ago and stated that while she was not involved, it is her understanding that the Town was able to prevent the cell tower with the argument that property values would be impacted. Explained that while she is concerned with health risks related to EMF's, feels the impact to property values was a successful argument and prevented the cell tower in Town. Stated that she cannot reiterate enough how different the neighborhoods would look if these utility poles and power lines were allowed to be installed and feels the property values in this area would "tank".

Jonathan Bender, 616 North Scotch Plains Avenue, stated that he is concerned that only the impact to residential neighborhoods has been mentioned and explained that he lives next to South Avenue. Stated that he is uncertain as to the zoning and whether South Avenue is designated as a commercial area, but expressed concern that PSE&G could change the route to South Avenue, which would be across the street from his house. Discussed residential areas all along South Avenue and feels all of Westfield is residential, even the areas that might be zoned as commercial. Feels the only options are to install the lines underground, or not allow them at all in Westfield. Stated that he only moved to Westfield last year, and it would be very upsetting to him if this project moves forward because he would move.

Debbie Chaskin, First Street, stated that she was not aware of the potential impact of this project to aesthetics and suggested photos be taken with images of the power lines photo shopped in to demonstrate the impact.

A Westfield resident explained that residents are here tonight because they are scared and fear for their future and for their families. Stated that she is happy to see many other residents in attendance because she knows she is not alone. Requested the governing body's assistance, stating that residents are in need of their leadership, especially in a crisis situation such as this.

Judy Kramer, 107 South Scotch Plains Avenue, stated that she is also scared and feels as though the Town and residents are powerless. Referred to the Town Attorney's comments concerning judicial and administrative forums and feels residents would not be able to obtain information that could help them fight this project. Requested clarification as to how information would be communicated to residents and expressed concern that the information that is communicated would be limited.

Mike Wotanowski, 555 Hillcrest Avenue, stated that he does not live along the proposed route and would not be directly impacted by PSE&G's proposed project, but feels this project would massively and negatively impact the entire community. Asked how the Mayor and Town Council plans to promote the next meeting with PSE&G to the broader community so that residents who

are not along the proposed route are aware of it. Stated that he attended the meeting this evening to discuss the ice rink and would not have been aware of this project otherwise. Feels the Town should consider a location with a larger space for the meeting with PSE&G in order to accommodate the number of residents that could attend. Also suggested that the Town communicate as much information as possible through social media and the other methods and inform as many residents as possible.

Councilman Contract suggested that Mr. Wotanowski register for the Town's email alerts. Feels this is the better way to stay informed because not everyone follows social media.

Joe Penczak, 519 North Scotch Plains Avenue, stated that he lives approximately two (2) blocks from a large cell tower that is not located in Westfield, but in Fanwood on the border of Town. Feels this cell tower destroyed the view in the neighborhood. Discussed legal cases related to these projects and referenced a project involving Atlantic City Power from two (2) years ago. Feels this is a similar situation and explained that the first thing that Atlantic City Power tried to prove in order to obtain a ruling from BPU was to demonstrate that the construction of the proposed project and all facilities involved in the project were reasonably necessary for the service, convenience and welfare of the public. Suggested that the Town consider focusing on whether the project proposed for Westfield is reasonably necessary for the service, convenience and welfare of the public. Feels PSE&G would argue that the health risks are not proven if the Town focuses on those concerns.

Mayor Brindle stated that she hopes residents have seen that there is a united front by the Town Council on this matter. Assured all that the Town Council stands with residents and is committed to fighting this project. Also stated that she is convinced that the plan as proposed is not going to happen, and residents would be part of the decision making process. Explained that the Town is going to leverage its relationships both politically and with PSE&G. Stated that while she agrees that there is an important public relations strategy component to this, feels at this point the immediate, winning strategy would be a political one. Feels Westfield is fortunate to have the residents it has, as well as neighbors like Mayor Mahr on the Town's side. Also stated that the Town would ensure that it actively communicates with residents through social media and the Town's website, but reminded residents that they need to proactively check those sites as well. Stated that when the meeting with PSE&G is scheduled, it would be broadcasted far and wide, and welcomed residents to meet with her in Town Hall.

Councilman LoGrippe discussed other issues in which the Town was united and worked with residents, such as preventing a cell tower at the armory and gaining approval for a "quiet zone" at the Rahway Avenue railroad crossing. Stated that it is his understanding that Westfield is the only municipality in the country to obtain approval for a railroad crossing quiet zone.

Councilman Stokes feels one of the great things about Westfield is that it is not about the "NIMBY" approach and moving the project to another neighborhood, such as South Avenue, because it would then impact other residents. Feels the fact is that these lines are not needed in Westfield. Stated that the Town is "1 and 0" against the cell tower and will be "2 and 0" against PSE&G.

Councilwoman Habgood stated that while there has been an emphasis on the third and fourth wards because those are the neighborhoods most directly impacted, assured residents that all members of council, regardless of where they reside, are against the PSE&G project.

Councilman Dardia stated that he stands alongside Mayor Brindle's approach of using a political strategy to handle this issue.

Mayor Brindle thanked Councilman Dardia and stated that the Town would "activate the crowds" as necessary.

Councilwoman Habgood referred to the legal research conducted by Mr. Krieger and the statement that he has shared it with elected officials and asked that he forward it to all councilmembers.

Mr. Krieger stated that he has spoken to south side councilmembers, but has not forwarded any information as of yet. Discussed the information he has gathered, explaining that some documents are opinions while others are news articles. Feels the first step, in his opinion, is to speak to the Town Attorney.

Councilwoman Habgood stated that she misunderstood and thought Mr. Krieger had already forwarded the information he gathered.

Mr. Krieger discussed information he was able to obtain related to the surcharge for underground lines and cases that occurred in Orange and Rockland Counties in New York. Also discussed cases in Old Tappan and in Closter in which information was proactively provided by the utility companies. Stated that PSE&G has been "stingy" as compared to other utility companies with respect to proactively providing information. Explained that it would take some time for him to gather more information because he is a firm believer in facts. Stated that many of the documents he found are newspaper articles and he would prefer to obtain the primary source.

Mayor Brindle asked that he share the information he gathers with the Town Attorney and thanked Mr. Krieger for his help.

Hearing no further comments, Mayor Brindle closed the public comment portion of the meeting.

### **BILLS AND CLAIMS**

On motion by Councilwoman Habgood, and seconded by Councilman LoGrippe, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$2,481,838.74 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

### **REPORTS OF STANDING COMMITTEES:**

Finance Policy Committee



The following resolutions, introduced by Councilwoman Habgood, Chairwoman of the Finance Policy Committee, and seconded by Councilman LoGrippo, were unanimously adopted.

**Resolution No. 65**

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$201.60 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of February 2019.

**Resolution No. 66**

WHEREAS, Gerald Infantino (Premier Design Custom Homes, LLC) has placed the required cash bond of \$500.00 to cover Road Opening Permit #19-020 for 627 Leigh Drive, and

WHEREAS, Gerald Infantino has requested that this amount be returned because he never opened the road, and

WHEREAS, the Town Engineer has concurred that the road opening was never executed.

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a warrant in the name of Premier Design Custom Homes, LLC for \$500.00, and forward to 405 Quantuck Lane, Westfield, NJ 07090.

**Resolution No. 67**

RESOLVED, that the Chief Financial Officer be and hereby is, authorized to draw warrant for unused parking permit fee as follows:

Robert Gallagher 129 Lincoln Road Westfield, NJ 07090	Watterson Street/Lot 6	#19060221	\$140.00
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**Resolution No. 68**

RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individual:

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Sandra Ing 210 N Chestnut Westfield, NJ 07090	Tennis/Rec Trust 217	Refund/Family Daddy Daughter Dance Amelia Ing	\$52.00
Naomi Benson 848 Kimball Ave Westfield, NJ 07090	Tennis/Rec Trust 217	Refund/Medical Volleyball Clinics/Spring Mooy Wood	\$150.00

Jake Sigmund	Tennis/Rec	Refund/Family	\$104.00
623 North Chestnut St	Trust 217	Daddy Daughter Dance	
Westfield, NJ 07090		Jake Sigmund (\$52.00)	
		Kayla Sigmund (\$52.00)	

**Resolution No. 69**

LET IT HEREBY BE RESOLVED that the Chief Financial Officer be and hereby is authorized to draw a warrant for refund of dumpster security payment(s) as follows following final inspection and approval by Town Engineer for return of deposit:

Scotchwood Construction  
1 Compton Ct.  
Monroe, NJ 08831

Amount of refund: \$975.00

Anthony James Construction  
215 North Ave., West, Suite 3  
Westfield, NJ 07090

Amount of refund: \$975.00

**Resolution No. 70**

RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2019:

Block/Lot/Qualifier

Quarter/Year

Name	Property Address	Amount
2003/55	118 Woodland Avenue	2 <sup>nd</sup> /2019
THEIN, Timothy		\$457.84

**Resolution No. 71**

WHEREAS, the Recreation Commission of the Town of Westfield determined that there was a need for a food concession for the 2019 season at the Westfield Memorial Pool; and

WHEREAS, on January 15, 2019, a Request for Proposals (RFP) for the aforesaid service was advertised to be returnable on February 13, 2019; and

WHEREAS, on February 13, 2019, three (3) responses to the RFP were received; and

WHEREAS, Suspenders Pub, 1131 Magie Avenue, Union, New Jersey 07083 submitted a proposal to perform said services with a payment to the Town of Westfield totaling \$40,000; and

WHEREAS, the Recreation Commission has found the proposal to be responsive to the RFP and is recommending that the Town Council authorize an award of contract to Suspenders Pub.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield be and hereby authorizes an award of contract to Suspenders Pub, 1131 Magie Avenue, Union, New Jersey 07083 for the food concession for the 2019 season at the Westfield Memorial Pool with a payment to the Town of Westfield totaling \$40,000.

BE IT FURTHER RESOLVED that the proper Town Officials be authorized to effect whatever actions are necessary in the execution and discharge of this contract.

The following resolution, introduced by Councilwoman Habgood, Chairwoman of the Finance Policy Committee, and seconded by Councilman Dardia, was adopted by the following roll call vote:

**Resolution No. 72**

WHEREAS, the Westfield Green Team wishes to move forward with a demonstration rain garden and community outreach program; and

WHEREAS, the New Jersey American Water Company is providing funding for certain projects through its Environmental Grant Program.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield be and hereby approves submission of an application by the Westfield Green Team to New Jersey American Water Company (NJAW) in connection with NJAW's Environmental Grant Program for grant funding in the amount of \$10,000 for a rain

garden demonstration and community outreach program.

Yeas: Habgood  
Dardia  
LoGripipo  
Contract  
Stokes  
Mackey

Nays:

Absent: Arena  
Neylan

## Mayor Brindle

The following resolution, introduced by Councilwoman Habgood, Chairwoman of the Finance Policy Committee, and seconded by Councilman Stokes, was adopted by the following roll call vote:

**Resolution No. 73**

WHEREAS, a condition has arisen with respect to either funds being needed for salaries and wages and/or contracts, commitments or payments being due to various vendors prior to the adoption of the 2019 Budget, and no provision was made in the 2019 Temporary Budget for the aforesaid purposes, and

WHEREAS, N.J.S.A. 40A:4-20 provides for creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2019 pursuant to the provisions of N.J.S.A. 40:4-20 (Chapter 96, P.L. 1951, as amended) including this resolution total \$5,946,063.00 for the Current Fund and \$43,000.00 for the Swimming Pool Utility Fund,

NOW, THEREFORE, BE IT RESOLVED that in accordance with N.J.S.A. 40A:4-20:

1. The emergency temporary appropriations listed below will be provided for in the 2019 Budget under the titles shown and for the amounts given as follows:

**Current Fund**

	Salaries & Wages	Other Expenses
Administrative & Executive	42,000.00	53,000.00
Town Clerk	16,000.00	9,000.00
Collection of Taxes	3,000.00	1,000.00
Assessment of Taxes	13,000.00	2,000.00
Financial Administration	23,000.00	4,000.00
Legal Services & Costs		46,000.00
Municipal Court	34,000.00	5,000.00
Municipal Prosecutor	2,000.00	
Engineering Services	80,000.00	
Public Works	63,000.00	477,000.00
Public Buildings & Grounds		20,000.00
Fire Department	201,000.00	91,000.00
Fire Official	11,000.00	2,000.00
Fire Hydrant Service		39,000.00
Parking Administration	26,000.00	
Police Department	347,000.00	208,000.00
Crossing Guards	25,000.00	
Emergency Management		1,000.00
Inspection of Buildings	49,000.00	56,000.00

Planning Board		39,000.00
Street Lighting		30,000.00
Water		3,000.00
Gasoline		13,000.00
Board of Health	38,000.00	3,000.00
Board of Health (Contractual)	193,000.00	4,000.00
Recreation	14,000.00	
Celebration of Public Events		11,000.00
Maintenance of Free Public Library	69,000.00	
Animal Control		6,000.00
Social Security System (OASI)		39,000.00
Debt Service – DBIZ Loan		10,000.00
Defined Contribution Retirement Plan (DCRP)		8,000.00
Public Employees Retirement System (PERS)		1,056,900.00
Police & Firemen's Retirement System (PFRS)		2,461,163.00
Subtotal	1,249,000.00	4,697,063.00

In the total amount of \$5,946,063.00

#### Swimming Pool Utility Fund

	Salaries & Wages	Other Expenses
Swimming Pool Operations	26,000.00	3,000.00
Public Employees Retirement System (PERS)		6,000.00
Social Security (OASI)		8,000.00
Subtotal	26,000.00	17,000.00

In the total amount of \$43,000.00

Yeas: Habgood  
Dardia  
LoGrippe  
Contract  
Stokes  
Mackey  
Mayor Brindle

Nays:

Absent: Arena  
Neylan

The following resolution, introduced by Councilwoman Habgood, Chairwoman of the Finance Policy Committee, and seconded by Councilman Contract, was adopted by the following roll call vote:

#### **Resolution No. 74**

RESOLVED that the Chief Financial Officer be and he is hereby authorized to make the following transfer(s) in the 2018 Budget (Appropriation Reserve) accounts:

**OUT**

**IN**

**CURRENT FUND****ELECTRICITY**

8-01-168-211 (OTHER EXPENSES)		6,000
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**TELEPHONE**

8-01-168-211 (O/E)	6,000	
	\$6,000	\$6,000

Yeas: Habgood

Dardia

LoGrippe

Contract

Stokes

Mackey

Mayor Brindle

Nays:

Absent: Arena

Neylan

**Public Safety, Transportation and Parking Committee****Code Review & Town Property Committee**

The following resolution, introduced by Councilwoman Mackey Chairwoman of the Code Review & Town Property Committee, and seconded by Councilman Contract, was unanimously adopted.

**Resolution No. 75**

WHEREAS, pursuant to Chapter 24 Article VII Section 24-47 of the Town Code the Town Council has authorized the licensing of Sidewalk Cafés, and

WHEREAS, the establishments listed have made application as required by Sec. 24-48 of the Town Code, and

WHEREAS, the establishments listed have met all the terms and conditions as required,

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Westfield hereby grants licenses to the establishments listed to operate sidewalk cafés and the Town Clerk be, and is hereby authorized to issue said licenses.

Casa Di Pizza

The Chocolate Bar

Chipotle Mexican Grill

Farinolio

50 Elm Street

112 Quimby Street

117 East Broad Street

121 East Broad Street

**Public Works Committee**

Reports of Department Heads

Report of Tara Rowley, Town Clerk, showing fee collected in the amount of \$5,687.00 during the month of February 2019 was received, read, and ordered filed.

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$121,216.00 for the month of February 2019 was received, read and ordered filed.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$39,778.50 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of February 2019 was received, read and ordered filed.

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$38,180.20 representing monies collected during the month of February 2019.

Report of David J. Kelly, Chief of the Fire Department, showing Fees collected in February 2019 in the amount of \$5,149.34.00 was received, read and ordered filed.

Report of Christopher Battiloro, Chief of the Police Department, showing fee collecting in the amount of \$6,345.15 during the month of February 2019.

**ADJOURNMENT**

A motion to adjourn, made by Councilman LoGrippo and seconded by Councilman Stokes at 10:35 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC  
Town Clerk